

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 439

Introduced by Hansen, M., 26.

Read first time January 15, 2021

Committee:

- 1 A BILL FOR AN ACT relating to the Uninsured and Underinsured Motorist
- 2 Insurance Coverage Act; to amend sections 44-6410 and 44-6411,
- 3 Reissue Revised Statutes of Nebraska; to change provisions relating
- 4 to stacking of coverage; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-6410, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-6410 (1) Regardless of the number of vehicles involved, persons
4 covered, claims made, vehicles or premiums shown on the policy, or
5 premiums paid, the limits of liability for uninsured or underinsured
6 motorist coverage for two or more motor vehicles insured under the same
7 policy or separate policies held by the same person or by related persons
8 residing in the same household shall not be added together, combined, or
9 stacked to determine the limit of insurance coverage available to an
10 injured person for any one accident except as provided in section
11 44-6411.

12 (2) Regardless of the insurance policy language, the limits of
13 liability for uninsured or underinsured motorist coverage for two or more
14 motor vehicles insured under separate policies held by different
15 policyholders who are not related persons residing in the same household
16 may be added together, combined, or stacked to determine the limit of
17 insurance coverage available to an injured person for any one accident.

18 Sec. 2. Section 44-6411, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 44-6411 (1) In the event an insured is entitled to uninsured or
21 underinsured motorist coverage under more than one policy of motor
22 vehicle liability insurance held by the same person or by related persons
23 residing in the same household, the maximum amount an insured may recover
24 shall not exceed the highest limit of any one such policy.

25 (2) In the event of bodily injury, sickness, disease, or death of an
26 insured while occupying a motor vehicle not owned by the insured, payment
27 shall be made in the following order of priority, subject to the
28 limitations in subsection (1) of this section, if applicable: (a) The
29 uninsured or underinsured motorist coverage on the occupied motor vehicle
30 is primary; and (b) if such primary coverage is exhausted, other
31 uninsured or underinsured motorist coverage available to the insured is

1 excess.

2 (3) In the event an injured person is entitled to coverage under
3 more than one policy ~~when multiple policies apply~~, payment shall be made
4 in the following order of priority, subject to the limit of liability for
5 each applicable policy:

6 (a) A policy covering a motor vehicle occupied by the injured person
7 at the time of the accident;

8 (b) A policy covering a motor vehicle which causes bodily injury,
9 sickness, disease, or death of the insured while a pedestrian; and

10 (c) A policy covering a motor vehicle not involved in the accident
11 with respect to which the injured person is an insured.

12 Sec. 3. Original sections 44-6410 and 44-6411, Reissue Revised
13 Statutes of Nebraska, are repealed.